

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Mark WITTEN et. al.)	Group Art No. 1645
)	
Serial No: 10/645, 839)	Examiner: TBA
)	
Filed: August 22, 2003)	Docket No. 003413.00008

For: AMELIORATION OF EFFECTS OF CIGARETTE SMOKE

RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

U.S. Patent and Trademark Office
Customer Service Window
Randolph Building, Mail Stop: Missing Parts
401 Dulany Street
Alexandria, VA 22314

Dear Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application under 37 C.F.R. §1.53(b), dated December 15, 2004, Applicants submit herewith the statutory basic filing fee of \$150, the missing parts surcharge of \$65, the search fee of \$250, the examination fee of \$100 the executed Declaration and Assignment documents, and a copy of the Notice to File Missing Parts of Nonprovisional Application. The period for responding to the Notice to File Missing Parts of Nonprovisional Application expires on February 15, 2005, and thus these fees and the Declaration are timely filed. The fees are calculated as follows:

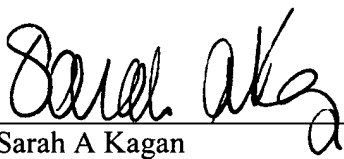
Basic Filing Fee	\$150
Surcharge for submitting the filing fee and Declaration subsequent to the filing date	\$65
Search Fee	\$250
Examination Fee	\$100
Total Fees	\$565

Mark Witten, *et al.*
U.S. Patent Application Serial No.

It is believed that all Patent and Trademark Office requirements have now been fully met and it is respectfully requested that the above-identified patent application be forwarded for examination.

Please charge the filing of this paper and any additional fee, which may be associated to our Deposit Account No. 19-0733.

Respectfully submitted,

By: 
Sarah A Kagan
Reg. No. 32,141

BANNER & WITCOFF, LTD.
Eleventh Floor
1001 G Street, N.W.
Washington, D.C. 20001
(202) 824-3000

Dated: February 15, 2005



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/645,839	08/22/2003	Mark L. Witten	003413.00008

22907
 BANNER & WITCOFF
 1001 G STREET N W
 SUITE 1100
 WASHINGTON, DC 20001



CONFIRMATION NO. 2057

FORMALITIES LETTER



OC000000014758885

Date Mailed: 12/15/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

02/17/2005 BABRAHA1 00000110 190733 10645839

01 FC:2001 395.00 DA
 02 FC:2051 65.00 DA

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 395 to complete the basic filing fee for a small entity.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- To Download Patent Software, visit <http://www.uspto.gov/web/patents/software.htm>

- For Patent Software Program Help, call (571) 272-2510 or email mark.spencer@uspto.gov

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$825** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$1285** for a Small Entity

- **\$395** Statutory basic filing fee.
- **\$65** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$825**
 - **\$300** for **3** independent claims over 3.
 - **\$525** for **21** total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



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Mark WITTEN et. al)	Group Art Unit: 1645
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For: AMELIORATION OF EFFECTS OF CIGARETTE SMOKE

SEQUENCE RULES COMPLIANCE

U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314


Sir:

Responsive to the Notice to File Missing Parts of Nonprovisional Application dated December 15, 2005 in the above-identified application, a copy of which is enclosed herewith, Applicants submit a computer readable copy of the sequence listing. The content of the computer readable copy of the Sequence Listing is believed to be identical to the paper copy of the Sequence Listing submitted August 22, 2003. The computer readable copy of the Sequence Listing thus includes no new matter.

No fee is believed to be due. However, if such a fee is deemed necessary, please charge to Deposit Account No. 19-0733.

Respectfully submitted

Date: February 15, 2005

By: 
Sarah A. Kagan
Reg. No. : 32,141

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